

**IN THE UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF ARKANSAS  
CENTRAL DIVISION**

**JAMES ELIJAH WEST**

**PETITIONER**

**v.**

**NO. 4:20-cv-00711 BRW**

**DEXTER PAYNE, Director of the  
Arkansas Division of Correction**

**RESPONDENT**

**ORDER**

I have received findings and a recommendation (Doc. No. 13) from Magistrate Judge Patricia S. Harris. No objections have been filed. After a careful, de novo review of the record, I approve and adopt the findings and recommendation in their entirety. The motion to dismiss (Doc. No. 8) filed by respondent Dexter Payne (“Payne”) is GRANTED.

The petition for writ of habeas corpus pursuant to 28 U.S.C. 2254 filed by petitioner James Elijah West (“West”) is dismissed. All requested relief is denied, and judgment will be entered for Payne. In accordance with Rule 11(a) of the Rules Governing Section 2254 Cases in the United States District Courts, a certificate of appealability is also denied because West cannot make a “substantial showing of the denial of a constitutional right.” See 28 U.S.C. 2253(c)(2).

IT IS SO ORDERED this 27<sup>th</sup> day of October, 2020.

Billy Roy Wilson  
UNITED STATES DISTRICT JUDGE